

## DECLARATION

☒ ORIGINAL  
☐ CONTINUATION  
☐ DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor if only one name is listed at 1 below, or a joint inventor if plural inventors are named below at 1-4, of the invention entitled

## METHOD AND APPARATUS FOR COMMUNICATING DATA BETWEEN A MEDICAL DEVICE AND A CENTRAL DATA REPOSITORY

Which is described and claimed in:

- ☒ the attached specification or  
☐ the specification in application Serial No \_\_\_\_\_ filed \_\_\_\_\_ ☐ as amended on \_\_\_\_\_  
(for declaration not accompanying application) (if applicable)

and for which a patent is sought, and that my residence, post office address and citizenship are as stated below next to my name.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1 56(a)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day/month/year)	PRIORITY CLAIMED UNDER 35 UCS §119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

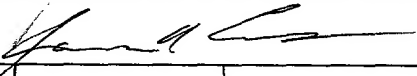

APPLICATION SERIAL NO.	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §120, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1 56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO	FILING DATE	STATUS

Send correspondence to: Bernard R. Gans, Esq  
JEFFER, MANGELS, BUTLER & MARMARO LLP  
Tenth Floor  
2121 Avenue of the Stars  
Los Angeles, California 90067

DIRECT TELEPHONE CALLS TO: Bernard R. Gans, Esq  
(Name and telephone number) (310) 203-8080

1	Name of Inventor	LAST NAME Evans	FIRST NAME Junius	MIDDLE NAME A.	Residence CITY Carlsbad	STATE or COUNTRY California
	Post Office Address 3671 Maria Lane				CITIZENSHIP USA	
	Signature 			Date 10-11-01		
2	Name of Inventor	LAST NAME Pettus	FIRST NAME Daniel	MIDDLE NAME	Residence CITY Carlsbad	STATE or COUNTRY California
	Post Office Address 7255 Surfbird Circle				CITIZENSHIP USA	
	Signature 			Date 10-11-01		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Junus A Evans and Daniel Pettus

Serial No. not yet assigned

Filed: not yet assigned

For: METHOD AND APPARATUS FOR  
COMMUNICATING DATA BETWEEN A MEDICAL  
DEVICE AND A CENTRAL DATA REPOSITORY

Group Art Unit: not yet assigned

Examiner: not yet assigned

POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR UNDER 37 C.F.R. §3.71

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned Rose Higgins is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, iMetrikus, Inc., and hereby appoints:

**ROD S. BERMAN**, Reg. No. 31,483, **BERNARD R. GANS**, Reg. No. 27,443, **BRIAN W. KASELL**, Reg. No. 33,522, **KATHY MOJIBI**, Reg. No. 41, 409, **RUPAK NAG**, Reg. No. 37,493 and **BRENNAN C. SWAIN**, Reg. No. 43,175 of the firm of Jeffer, Mangels, Butler & Marmaro LLP as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor and his attorney in accordance with the provisions of 37 C F R §3.71

iMetrikus, Inc., per 37 C F R. §3 73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersigned's knowledge and belief, title is in the assignee seeking this action

iMetrikus, Inc., declares that 100% ownership is established by the assignment

- ☒ filed herewith  
☐ filed for recordation on \_\_\_\_\_  
☐ recorded in the U.S PTO on \_\_\_\_\_

a copy of which is attached.

Please direct all telephone calls to Bernard R Gans, Esq at 310-203-8080 and all correspondence relative to said application to the following address

Bernard R Gans, Esq  
JEFFER, MANGELS, BUTLER & MARMARO LLP  
Tenth Floor  
2121 Avenue of the Stars  
Los Angeles, CA 90067

ASSIGNEE	<u>iMetrikus, Inc.</u>
Signature	<u></u>
Typed Name	<u>Rose Higgins</u>
Title	<u>Senior Vice President</u>
Address	<u>5950 La Place Court, Suite 250, Carlsbad, California 92008, USA</u>

Date \_\_\_\_\_

Applicant or Patentee. Junius A. Evans and Daniel Pettus Case Docket No. 62684-5001  
Serial or Patent No. Not yet assigned  
Filed or Issued Not yet assigned  
For: METHOD AND APPARATUS FOR COMMUNICATING DATA BETWEEN A  
MEDICAL DEVICE AND A CENTRAL DATA REPOSITORY

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(b)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below.  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN iMetrikus, Inc.  
ADDRESS OF CONCERN 5950 La Place Court, Suite 250, Carlsbad, California 92008, USA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled METHOD AND APPARATUS FOR COMMUNICATING DATA BETWEEN A MEDICAL DEVICE AND A CENTRAL DATA REPOSITORY by the inventor(s) Junius A. Evans and Christopher Mulholland described in

- ☒ the specification filed herewith  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the right held by the above identified small business concern is not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME iMetrikus, Inc.  
ADDRESS 5950 La Place Court, Suite 250, Carlsbad, California 92008, USA  
( ) INDIVIDUAL (X) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issues thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Rose Higgins  
TITLE OF PERSON OTHER THAN OWNER Senior Vice President  
ADDRESS OF PERSON SIGNING 5950 La Place Court, Suite 250, Carlsbad, California 92008

DATE 10-11-01

SIGNATURE

[Signature]